

**REMARKS/ARGUMENTS**

Claims 9, 10 and 12-17 stand rejected, with claim 11 objected to in the outstanding Official Action. Claim 11 has been amended and newly written claims 18-24 offered for consideration. Accordingly, claims 9-24 are the only claims remaining in this application.

The Examiner's indication that the originally filed formal drawings are acceptable is very much appreciated. Additionally, the acknowledgment of receipt of the Information Disclosure Statement is appreciated.

The Examiner's pointing out that Applicant is not in possession of an English language translation of the French patent 2 704 818 is appreciated, and the fact that it has been placed in the application file is also appreciated. If and when Applicant obtains an English translation of the French patent, that will be brought to the Patent Office's attention.

Claims 9, 10 and 12-17 stand rejected under 35 USC §102 as being anticipated by Aviv (U.S. Patent 5,666,157). The Court of Appeals for the Federal Circuit has noted in the case of *Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick*, 221 USPQ 481, 485 (Fed. Cir. 1984) that "[a]nticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim." (emphasis added).

Applicant, upon a review of the Aviv reference, confirms that it has nothing to do with the presently claimed invention. For example, claim 1 specifies that a first camera provides images of a surveillance area. An image processor reviews the first camera image and, if the image quality is inadequate, energizes a second camera for providing a higher quality image. The second camera image is compared with a stored database and an analysis of the second camera image is conducted. If a further image is needed (as determined by the analysis and assessment) then the second camera is controlled to provide the further image.

The Examiner apparently fails to appreciate that the Aviv reference does not contain any database against which the second camera image is compared by the image analysis means.

Aviv only records the video and/or audio images and fails to “analyze” the content of the second camera image, fails to “assess” whether the content of the second camera is sufficiently high and fails to “control” the second camera to provide further image information.

While the Examiner asserts in the paragraph bridging pages 3 and 4 of the Official Action that Aviv at column 7, lines 55-61 is the claimed analyzing portion of the image analysis means in claim 9, a review of that portion of Aviv will indicate that that is a reference to the image from the first camera only. Aviv uses his first camera to provide an initial image and conducts his image processing and analysis from the first camera only. Aviv has no indication that the second camera output is analyzed in any fashion.

The Examiner’s attention is directed to column 7, lines 26-30 which clearly specifies that the second camera provides a detailed video signal which is recorded and later displayed. There is no indication that it is analyzed in any fashion. There is no indication that there is any assessment of a need for a higher quality image from the second camera, nor is there any indication that the second camera is controlled to provide further image information based upon the original second camera image information. The Examiner’s observation that column 8, lines 12-18 may disclose the “assessing” step misses the point, as this portion of Aviv deals only with the first camera.

Because Aviv fails to contain Applicant’s recited image analysis means or the specific functions accomplished by that means, it cannot anticipate or render obvious the subject matter of independent claim 9 or any claim dependent thereon. As a result, claim 9 and dependent

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claims 10-17 are clearly patentable over the Aviv reference and any further rejection thereunder is respectfully traversed.

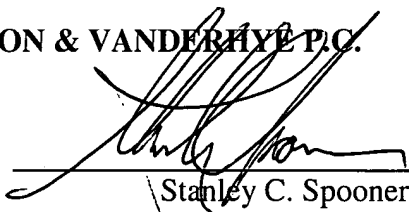
Applicant appreciates the indication that claim 11 contains allowable subject matter and has rewritten claim 11 in independent form. Additionally, Applicant offers newly written claims 18-24 which somewhat more broadly recite Applicant's claimed invention. Again, the image analysis means addressed in claim 18, subsection e), is clearly absent from Aviv and therefore these claims are clearly in condition for allowance.

Having responded to all objections and rejections set forth in the outstanding Official Action, it is submitted that claims 9-24 are in condition for allowance and notice to that effect is respectfully solicited. In the event the Examiner is of the opinion that a brief telephone or personal interview will facilitate allowance of one or more of the above claims, he is respectfully requested to contact applicant's undersigned representative.

Respectfully submitted,

**NIXON & VANDERHIVE P.C.**

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